

**East Fork Virgin River Distribution System
2009 Annual Water Users Meeting Minutes
February 18, 2009, 11AM**

Held at, State Bank Of Southern Utah, Orderville, Utah

The meeting was brought to order at 11 AM with John Reese conducting. Merlin Esplin asked John to chair the meeting as he was attending a funeral. Attendees included, John Reese, Dennis McDonald, Doug Bauer, Dellas Sorensen, Barry Ford, Gerry Hoyt, and. Division of Water Rights staff consisting of Lee Sim, Mike Silva and Nathan Moses, Kurt Vest.

John Reese read minutes for the meeting conducted on February 20, 2008. Dellas, motioned for approval and Barry Ford seconded, motion carried.

Gerry Hoyt provided his commissioner report.

Mike assisted in August with a number of water users and diversions on the river were visited and was well received. There is still a lot of work still to be done before water season and wants this done before water year starts. Smaller weirs need to be read more often.

There is a real mess at the bottom of Jump Up Canyon, in the meadow water is spread out in the meadow and runs off the west corner, there John Flatburg, M. Danny Spencer (Ferrell Spencer son) Pond and Ellen Lamb at KOA, share this water from Jump up however, the diversion should come out of the jump up, main branch before it enters the main stem of the river. There are a lot of dead and live willows in the area that makes sorting this out difficult. Measuring and appropriate diversions are needed to be installed by Flatburg and repair of this area is needed.

Elk Ridge Wells were exchanged from Jump Up Canyon, if they pump out of the Wells, then water from Jump up needs to flow directly to the East Fork Diversion. There was some question on where the wells are at.

There are a number of water rights listed in Jump Up canyon listed in Stout Canyon. This could be a problem in the future and need to be corrected in the Records. Jump up Canyon and Stout Canyon records need to be corrected for when transfers occur. There will be some change applications needed to make this happen. Some rights were listed in Jump Up canyon, however the diversion says Stout Canyon. Change applications there may be miss names. There have been a lot of changes applications made to move water out of Jump canyon. Mark Jacobs would know where well is located at for Elk Ridge. Motion was made and seconded by Doug Bauer for Gerry to check and correct these records to make sure they are corrected. This motion carried.

Mark Johnson built ponds last year, this year Larry Barns dug a hole and made a pond when the hole filled then later made a tap into the river. Mike was asked to go into Cedar City to make the pond legal. Since he hasn't, Gerry will refer Larry Barns Mystic River pond to Kerry carpenter office. Discussion about Mark Johnson, he still requires upstream and downstream measuring devices before he is diverts water. If a regulating pond is built for overnight storage. Storage of water requires a water right and if it stores water year round then a water right is required.

Grassy, Lydia's Canyon, Chamberlain, and Muddy are all tributary rivers that need to be included into the system. The state engineer has the authority to decide who is in the system, since they are being regulated, they might be included. Conflicts among the users,

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Road building destroyed Ellen Lamb's diversion. Willows need to be cleaned up to allow water to flow. Several Transfers of water rights out of Jump out to wells, then water in Jump out would need to flow directly to the river. Then weirs are required to measure the amount of water they actually divert from Jump up canyon. Measuring devices are needed. Larry Barns and John Flatburg are not on speaking terms and diversions are supposed to be on the main channel.

Consideration of another pond to put up in Dry wash is being considered. will requires a new Point of Diversion for filling the pond. The question was asked about moving part of the water right to the new diversion. The diversion will be used to divert high water for when there is

Zion Park Pact is still in effect, therefore 20 acre foot ponds are still legal, as part of the Proposed Determination, however a water right needs to be covered and applied for and an existing change application would be needed before building the pond.

Road widening may have messed up John Flatburg's property, road grade caused the pasture to press up and crack. Backhoe work done should be paid by Ellen, Danny, Darwin Lamb to do construction. Larry Barns, Lower meadow in the bog is already too saturated.

Mount Carmel was limited to 78% of their right, since water would overtop the ditch.

Motion to approve the report was made by Barry Ford, Dellas Sorenson second all voted in favor of approval of the commissioner's report.

The state employees made introductions. Lee Sim said that Kent Jones has recently been appointed as the new State Engineer, since Jerry Olds has retired.

Other attendees included: Dennis McDonald, Gerry Hoyt & Dellas Sorensen, Doug Bauer and Barry Ford and John Reese.

Gerry's appointment as WC is up this year, Gerry expressed a desire to give up the WC position but doesn't want to just give it up unless there is someone good to take over. Clarence, although he is 76, if still able, he can continue on a year-by-year basis due to hardship associated with hiring a new Water Commissioner and Deputy. The state would like some type of transition between Gerry and the new water commissioner. Garry would be agreeable to take the position for 4 more years, along with Clarence on a year-by-year basis. However all the water users were directed to start recruiting a new water commissioner for a year of training so we have someone recruited to start next year. Dellas made a motion to keep Gerry for 4 years and Clarence for one year, along with looking for someone else, and Doug seconded, The motion allows Gerry to retire earlier than 4 years, if he found someone to step in during his term. This motion passed. Lee Sim recommended that wages should be increased to lure a new commissioner.

Mike provided a status report from the Division of Water Rights; refer to a letter in Garry's report. Much of this was discussed under the Water Commissioner's Report. Mike recommended that title transfers involving water also be changed by the users going into the Cedar City office to make the water right change also. The water users appreciate the Division working with the water users to get necessary improvements done on the system.

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At the sluice devices, grating is needed over pipe inlets and open holes to prevent people from falling into the pipe inlet. Good fences with locked gates are a first step at preventing access and signs will also help. Grating over holes needs to be supported and strong enough to support people walking on it.

Lee Sim reviewed the 2008 financial report. \$1727 started as reserve in trust, \$4082 collected in assessments, Penalties of \$24 from delinquents and late fees, and earned 68 in interest, total collected was \$4176 with expenses \$3392, Leaves a balance of 2511 at the end of the year in the trust fund. Garry did not put in for travel but Clarence did. Miscellaneous expenses were for wood Styles over fences to provide access. Within budget by 684, there were no delinquent accounts. Financial report was moved by Doug Bauer, second by Barry, all votes were in favor.

Preparing the 2009 budget was both Gary and Clarence got a \$200 raise. Otherwise the budget was left the same as last years. Dennis motioned as such, Barry second, all votes were in favor.

Barry motioned for an assessment to remain the same at \$4077. Dennis second, all votes in favor.

The committee was left unchanged from the previous year by acclimation. Barry motioned for approval and Dennis seconded, motion carried.

The meeting was adjourned at 12:01 PM. Note a recording on file for this meeting can be found under the meetings tab on the Division website.